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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,115	03/07/2000	Sharif M. Sazzad	(DSML)HA-83(HAL-IDI36	9885
26479	7590	01/15/2004		
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			EXAMINER DEMICO, MATTHEW R	
			ART UNIT	PAPER NUMBER
			2611	9

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,115

Applicant(s)

SAZZAD ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 10/31/03. Claims 1-11 are pending. Claims 1-2 have been amended by an amendment filed 7/03/03. Claims 12-49 are canceled.

Response to Arguments

2. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because of the following informalities: amended Page 20 read, "The video server interface 402 is coupled to the various components 406, 402, 426, 428..." The second element 402 appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,144,400 to Ebisawa in view of U.S. Patent No. 5,884,141 to Inoue et al.

Regarding Claim 1, Ebisawa discloses a method of providing a program of a given length (L) to a user wherein the first segment of the program is stored (Col. 5, Lines 28-31), the presentation of the stored first segment is started (Col. 6, Lines 10-18), and a second segment of the program is received (Col. 6, Lines 20-22). It is understood that the delay between the storage of the first segment and the receiving of the second could be equal to the length of the program (L) or any other time once the initial program segment is stored. The second segment of the program is presented to the user upon the completion of the presentation of the first segment (Col. 6, Lines 55-58). What is not disclosed, however, is that the entire program of L time units in length is transmitted on a first channel and the first segment of the program is received from this first channel.

Inoue discloses a method of providing a program to a user wherein the first segment is stored (Col. 8, Lines 36-47) prior to playback. This buffered data may be recorded from a first broadcast channel (Col. 8, Lines 50-52). Inoue further discloses broadcasting an entire program of a given length on a plurality of channels (See Figure 2A) and that a different channel may be tuned to for the remainder of the program material (Col. 9, Lines 12-15). Inoue is evidence that ordinary workers in the art would recognize the benefits of broadcasting an entire program on multiple channels in a near-video-on-demand system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa with the broadcast of the entire program of Inoue in order to more effectively utilize available bandwidth by not wasting channel space for broadcasting only introduction segments.

Regarding Claim 2, Ebisawa in view of Inoue disclose a method as stated above in Claim 1. Ebisawa further discloses a method wherein data included in the second segment of the program is stored while at least a portion of the first segment of the program is presented to the user (Col. 6, Lines 20-44). Inoue also discloses that receiving a second segment of the program includes receiving the second segment from a second channel as stated above. Further Inoue discloses that the second channel broadcasts the entire program L time units in length (See Figure 2A).

Regarding Claim 10, Ebisawa in view of Inoue disclose a method as stated above in Claim 2. Ebisawa further discloses a method wherein the step of storing the program data corresponding to the second segment of the program includes the step of storing program data in a cache (See Figure 4) that is operated in a FIFO data structure. It is inherent in such a video cache that a FIFO queue structure must be used to reproduce cached video in the same order that it was received.

6. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of Inoue and further in view of U.S. Patent No. 5,724,646 to Ganek et al.

Regarding Claim 3, Ebisawa in view of Inoue disclose a method as stated above in Claim 2. What is not disclosed, however, is the step of receiving program guide information and identifying from that information, a broadcast channel upon which the second segment of the program is being broadcast. Ganek discloses a system, method, and apparatus for video-on-demand using time-staggered multiple copies of video transmitted on separate channels (See Figure 2a). Ganek further discloses the video-on-

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demand server sending the client device a menu of program available for user viewing (Col. 4, Lines 54-58). This reads on receiving program guide information. Further, this program control information is used to determine which channels carry the signals needed for each program (Col. 4, Lines 58-67). Ganek is evidence that ordinary workers in the art would recognize the benefit of using an electronic program guide to carry information related to which channels carry a second segment of a program being broadcast in a video-on-demand system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of providing a segmented program to a user of Ebisawa in view of Inoue with the program guide carrying segment/channel information of Ganek in order to allow a user to see and select a program, and simultaneously carry information related to that program to the client device.

Regarding Claim 4, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 3. Ebisawa discloses that the first segment of the program is an initial program segment (Col. 5, Lines 28-31) and that the second segment of the program is the main segment (Col. 2, Lines 27-47). The second segment of the program is received as part of a periodic broadcast of the first and second segments of the program (See Figure 3).

Regarding Claim 5, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 3. Ebisawa further discloses selecting from a plurality of broadcast channels upon which the second segment of the program is being

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broadcast (See Figure 3), one of the broadcast channels from which to receive the second segment of the program (Cols. 4-5, Lines 65-7).

Regarding Claim 6, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 5, wherein the step of selecting one of the broadcast channels includes the step of selecting the first broadcast channel upon which the second segment of the program will be transmitted at or following the start of the presentation of the stored first segment to the user (Ebisawa, Col. 6, Lines 25-34).

Regarding Claim 7, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 6, wherein the maximum delay between broadcasts of the second program segment during a fixed time intervals can be given by a variable, such as C. The step of storing a first segment of the program includes storing a variable amount of data, in this case 10 minutes (Ebisawa, Col. 6, Lines 25-34). As shown in Figure 3, the fixed broadcast interval is also 10 minutes. It is inherent in such a system that the broadcast interval C must be shorter than the length of the entire program L (in this case 60 minutes), therefore $L > C$ as claimed.

Regarding Claim 8, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 6, wherein the maximum delay between broadcasts of the second program segment is C time units as stated above in Claim 7. The step of storing a first segment of the program includes the step of storing at least Y time units of video data where $L > C \geq Y$. C and Y are both 10 minutes in the disclosure of Ebisawa, and L is 60 minutes.

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Regarding Claim 9, Ebisawa in view of Inoue and further in view of Ganek disclose a method as stated above in Claim 6. Ebisawa further discloses broadcasting the first segment of the program that is stored, on a first communication channel (See Figure 3). It is inherent in any broadcast system that the program must be broadcast prior to the program being received and stored on the user end. The second segment of the program that is presented to the user is broadcast on a second communication channel (See Figure 3). It is also inherent that this program segment must be broadcast prior to being received.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebisawa in view of Inoue and further in view of U.S. Patent No. 5,046,090 to Walker et al.

Regarding Claim 11, Ebisawa in view of Inoue disclose a method as stated above in Claim 10. Ebisawa discloses the step of beginning the presentation of the stored first segment of the program to the user and outputting video data to a presentation device. What is not disclosed, however, is decrypting the data included in the first segment of the program. Walker discloses a video recording medium storing a video program using digital code encryption. Walker is evidence that ordinary workers in the art would recognize the benefit of encrypting stored video data on a user terminal to prevent unauthorized copying of material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ebisawa in view of Inoue with the encryption of Walker in order to prevent unauthorized duplication of copy-protected material.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

WAV

mrd
December 30, 2003


VIVEK SRIVASTAVA
PRIMARY EXAMINER